

**HABITAT CONSERVATION ADVISORY COMMITTEE**  
for the Washington County Habitat Conservation Plan (HCP)  
**Regular meeting – AUGUST 26, 2008**

The regular meeting of the Habitat Conservation Advisory Committee (HCAC) was held at the Washington City Council Chambers on August 26, 2008.

Committee members present were:

Karl Wilson, Chairman	Mayors Association
Chris Blake, Vice Chairman	Environmental Organization
Marc Mortensen	Citizen-at-Large
Larry Crist	U.S. Fish & Wildlife Service (USFWS)
Reed Harris	Utah Dept. of Natural Resources (UDNR)
Jeff Morby	Local Development
Jimmy Tyree	Bureau of Land Management (BLM)
Bill Mader, Administrator	Washington County - HCP

Absent and excused:

Todd Christensen	Bureau of Land Management (BLM)
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Also present were:

Alan Gardner	Washington County Commissioner
Bob Sandberg	Washington County – HCP
Justin Neighbor	Washington County – HCP
Brad Young	Washington County – HCP
Ann McLuckie	Utah Division of Wildlife Resources (UDWR)
Kristen Comella	Snow Canyon State Park (SCSP)
Dr. Howard Horton	Agriculture Research Service (USDA, ARS)
Jack Staub	Agriculture Research Service (USDA, ARS)
Dallin Gardner	ELT Properties
H. Allan Carter	Carter Family Trust
Bob Douglas	Bureau of Land Management (BLM)
Kim Leany	Bureau of Land Management (BLM)
Kathy Abbott	Bureau of Land Management (BLM)
Larry Blake	Southern Utah Title Company
Frank Jackson	Property owner – Leeds
Mike Empey	Field Representative for Congressman Jim Matheson

**1. CALL TO ORDER**

Chairman Karl Wilson noted that at least five committee members were present and a quorum existed. He called the meeting to order at 1:08 P.M. Marc Mortensen was excused at 2:50 P.M.

## **2. CONSENT AGENDA**

**MOTION** by Chris Blake to approve the Consent Agenda.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye (Jimmy Tyree abstained).

Motion passed.

## **3. PRESENTATIONS**

### **a. Dr. Jim Bowns - Fire effects and rehab success in the blackbrush community.**

Dr. Bowns used a slide projector to facilitate a presentation on Blackbrush (*Coleogyne ramosissima* Torrey) – its habitat and characteristics. Dr. Bowns emphasized that Blackbrush is an ancient species and once destroyed by fire, it does not come back – ever.

Dr. Bowns explained that the Blackbrush rarely flowers and that it may be up to 20 years between flowering events. Blackbrush grows primarily between the cold desert (Cedar City) and the hot desert (St. George). The Blackbrush flourished in the ancient climate and is dying out in the current climatic conditions.

Dr. Bowns talked about the various vegetation regrowths that has occurred in the southwest after fires from approximately 1915 to current. The re-establishment of vegetation depends on timing of the reseeding, ground disturbance and, most importantly, precipitation. He noted that burns that have occurred since 1980 are larger than those before 1980. Dr. Bowns encouraged a field trip to see first hand the success of forage kochia, albeit a non-native species. He strongly advocated the use of forage kochia.

### **b. Dr. Howard Horton - Presentation on forage kochia and other potential species for use in reducing fire**

Dr. Horton gave a PowerPoint presentation regarding the devastation to forage and rangeland by fires, the restoration and rehabilitation efforts, and the use of different plant species to reduce the fire fuels. A copy of that presentation is included as Exhibit 3-b-1 HCAC Reg Mtng – 082608.

Dr. Horton discussed the range fire history in southwest Utah and in the state overall. He discussed the environmental impacts of fires and stressed the health of the soil – this being the most important element in range health. He stated it takes 1,000 years to rebuild 1” of topsoil. Dr. Horton stressed the necessity of preserving the organic matter in the topsoil, as it acts as a reservoir of nutrients and carbon. He added that eventually, if the topsoil is depleted of nutrients, it will no longer support plant life, regardless of reseeding and rehabilitation efforts. The use of transition plants may be required to rebuild the soils.

Dr. Horton discussed forage kochia, suggesting its use to deal with the cheatgrass problem. He explained that forage kochia could be used as an ecological bridge to restoration. Dr. Horton stated that forage kochia is a plant that, in this climate and soil conditions, would be beneficial to topsoil, fire management and wildlife.

**c. Boundary adjustment – Trespass into the reserve – Frank Jackson**

Mr. Larry Blake (Southern Utah Title Company) spoke on behalf of Mr. Jackson, who was present. Larry's request is to allow approximately three acres to be removed from the reserve so they can proceed in a land exchange with BLM. Exhibit 3-c-1 and 5-b-1 HCAC – 082608 shows that Mr. Jackson's barn is clearly constructed within the boundary of the reserve.

Mr. Blake explained that the barn was built on the property approximately 12 years ago. He added that the Leeds Canal Company has a prescriptive easement for a water pipeline – which is shown northwesterly of the encroaching barn.

Chris Blake asked about the pipeline easement coming out of the reserve in the process of a land exchange. Mr. Larry Blake and Mr. Jackson were agreeable to that removal.

Bob Douglas commented that the area is wildlife habitat, but not tortoise habitat.

Bill Mader suggested making an assignment for the Technical Committee to evaluate the quality of the habitat and determine a ratio for the exchange.

**4. UTILITY AND DEVELOPMENT PROJECT REVIEW**

None.

**5. GENERAL BUSINESS**

**a. Discuss/Review post-fire restoration and reseeding (HCAC)**

Chris Blake commented that there has been considerable information given and absorbed today and that there may need to be more information gathered. Chris asked if desert tortoises can forage on kochia. Ann McLuckie answered from the audience but her reply is inaudible.

Larry Crist said that fire is one of the greatest issues for the reserve and suggested that the Technical Committee and Advisory Committee interact for the benefit of the tortoises and their habitat.

Reed Harris suggested considering the biological aspects of the problem and the budgeting that goes along with it. He is concerned about timing and believes that acting soon will enable planting or seeding in the spring.

Commissioner Gardner suggested fully involving the Technical Committee and moving forward. Ann McLuckie added that there has been considerable work done by the Technical Committee following the fires in 2005. Kristen asked the members if they were looking for post-fire restoration input, options for stopping fires, or suggestions for fire prevention. Reed said that he's seeking all of those. Larry added that he would like to see a fire management plan and strategy for the reserve to include fire prevention and post-fire rehabilitation. He further added that the plan must be able to be modified as we learn what works and what doesn't. He doesn't want it to take a couple of years; he wants to start now with something simple and keep moving forward.

**MOTION** by Chris Blake to make an assignment to the Technical Committee to: 1) Consider using forage kochia as a fire break only, 2) Determine if desert tortoises can forage on forage kochia.

**Seconded** by Jeff Morby.

**Discussion:**

Larry wants to see a comprehensive fire management strategy, including employing forage kochia, use of Plateau® and/or using livestock (goats) to create fire breaks.

Jeff wants to see costs associated with the options so the costs can be incorporated into the budget.

Marc would like to see short-term and long-term plans, and budget now for fire prevention actions in the most critical areas of the reserve beginning this winter or next spring.

Reed asked Ann and Kristen if the Technical Committee could put something together in one or two months. Ann replied but her response was inaudible.

Chris asked the Technical Committee for a budget amount to do something this winter.

Alan Gardner said that the county budget is finalized and approved in December.

Dr. Horton stressed that soil disturbance is required for kochia to succeed.

Jack Straub emphasized securing a good, viable seed source that can be trusted.

**Vote:** Chairman Wilson called for a vote. Members voted aye, except Jimmy Tyree abstained and Chris Blake and Larry Crist voted nay. Larry asked that the motion be clarified or restated.

**MOTION** by Chris Blake to assign the Technical Committee to look at the fire problem in the reserve and come up with a plan on how to deal with it using such things as forage kochia, and other mechanical, chemical or planting techniques to solve the problem.

**Seconded** by Larry Crist.

**Discussion:** None.

**Vote was taken:** All voted aye.

**Motion passed.**

**b. Discuss the Frank Jackson trespass and boundary adjustment/land exchange**

**MOTION** by Chris Blake to assign the Technical Committee to look at the proposed boundary adjustment so the land exchange can move forward and report back expeditiously.

Seconded by Jeff Morby.

Discussion:

Kathy Abbott asked for discussion on this issue. She outlined several options:

- 1) Remove the offending structures that are encroaching onto the federal property,
- 2) A boundary adjustment by selling the property to Mr. Jackson at fair market value. The proceeds would go back to the U.S. Treasury.
- 3) Exchange properties, not necessarily acre for acre, but according to appraised value. She emphasized that a three-acre exchange requires substantial work, requires approval by Washington D.C., and would likely take a very long time.

Chris asked which option is the easiest for BLM. Kathy said removal of the improvements. She added that if the land bill (Washington County Growth and Conservation Act of 2008) passes, removing the property from the reserve is no longer an option and the structures would be required.

Jeff explored selling the land to Mr. Jackson and then having him donate another yet-to-be-determined parcel. Kathy said that an appraisal is still required.

Bill Mader expressed concern about getting into the habit of selling off parts of the reserve.

Chairman Wilson said that the biological value of the land must be considered in addition to the appraised value of the land.

Bill noted that land exchanges and boundary adjustments have been done in the past, but not in a case of trespass. Reed noted the trespass incident at *The Cliffs* subdivision. Commissioner Gardner suggested cutting off the corner on the NCA map before the bill passes. Bill clarified that the HCP (and the permit) still says the reserve cannot be sold off in pieces. Larry clarified that we must remain whole with regards to cutting off the corner.

The discussion continued about property value and biological value, and the BLM processes.

**MOTION CLARIFIED:** Chris clarified the motion to assign the Technical Committee to evaluate the biological values of the encroached property and the proposed property and to decide biologically what the ratio is. After that, Kathy and the BLM and Mr. Jackson can work out how the exchange is done.

Vote was taken: All voted aye.

Motion passed.

**c. Initiatives to acquire ELT properties**

Bill Mader began the discussion by telling the members about a land exchange of approximately 122 acres on T-Bone Mesa with SITLA. Bill added that he understands that interviews are being conducted to hire a full-time BLM employee to work on resolving the ELT properties issue.

Dallin Gardner asked about the relationship between the T-Bone Mesa exchange and the ELT properties. Bill said there isn't a relationship, but the T-Bone Mesa exchange is the only one in progress that he is aware of.

Dallin reminded the members that he was here five months ago with a proposal to hire Randy Massey. Now, five months down the road and there is still no one hired. He said that he has \$150 million in property and pays \$600 thousand in property taxes each year and they're no closer to resolution. Mr. Gardner is frustrated because no one has been hired and there has been no action. Dallin still wants to engage the services of Mr. Massey and get to work. Mr. Gardner added that Mr. Massey is familiar with the issues and the processes because he's a past BLM employee. Dallin added that five months ago Randy's estimate was \$33,000.00 to get a proposal put together. Mr. Gardner expressed extreme frustration, disappointment and concern with the delay and the costs.

Jimmy Tyree explained to Dallin that a job announcement was released in June to hire a Realty Specialist and that applications have been received and processed. He added that he hopes for a recommendation to hire by mid-September. Jimmy further added that there is a 45-day federal hiring blackout beginning in October but hopes to have a person hired by the end of the year. As far as getting the person up to speed, that could be fairly quickly, but training may be necessary.

Kathy Abbott explained that the new hire would take her work load and then she would work only on the land exchanges for the ELT properties.

Jeff talked about his experiences with BLM and that some land exchanges take three years – even on a land deal without complications. He said that he appreciated Dallin's frustrations, but the processes just take time. Kathy agreed.

Dallin suggested sitting down together to see what Randy can do. He wants progress now. Jeff asked Dallin why he doesn't hire Randy. Dallin replied by asking why should he? He added that it is the federal government's responsibility. Jeff pointed out the advantages of Mr. Massey working for ELT properties. Jeff explained that he is just trying to seek some solutions. Mr. Gardner said that Randy needs to be on the inside (of BLM) so he can work with someone who can make the approvals and so his work can be recognized. Chris explained that is exactly why BLM is hiring someone to do the land exchange work, and that we must work within the time frame. Mr. Gardner left very frustrated.

There was no further discussion on the ELT properties.

#### **d. Draft 2009 budget**

Exhibit 5-d-1 HCAC – 082608 was distributed. Bill Mader began the discussion by stating that the draft had been submitted to county finance and the commissioners. Bill added that there is one change. He explained that he and Chairman Wilson had discussed the \$180,000.00 fencing line item and had decided to split that item into two – new fencing and fencing maintenance.

Chairman Wilson asked about a scope-of-work project for fencing. Ann McLuckie said that a work project for fencing the gaps and conducting clearances of the remaining take areas had been composed, and that there is a map created by the HCP staff showing the existing fencing and those areas remaining to be fenced. This will be an agenda item for the September meeting.

Reed asked Chairman Wilson if he planned to approve the proposed 2009 budget today. And, is it too late to budget for a scope-of-work project on the study of the Southwestern Willow Flycatcher habitat relating to Tamarisk removal and nesting success. Reed explained that he's seeking possible funding assistance of \$25,000.00 under the "Other species" fund. The study will be conducted by the Southwestern Willow Flycatcher recovery team.

Reed will try to get some time with Bill and put something together regarding this issue for the next meeting.

**MOTION** by Chris Blake to continue the discussion on the budget until next meeting to give Reed time to get with Bill on a proposal for "Other species" funding.  
**Seconded** by Larry Crist.  
**Discussion:** None.  
**Vote was taken:** All voted aye.  
**Motion passed.**

**e. Scope of work projects (HCAC)**  
**1. New reserve map (Marc Mortensen)**

This item was continued to next meeting.

**2. Living museum (Chris Blake)**

Chris explained that there will be a field trip tomorrow, and after that we will discuss what we actually want to put into the scope-of-work.

**f. Review/Accept Quarterly Report (HCAC)**

**MOTION** by Chris Blake to accept the Quarterly Report for the second quarter of 2008.  
**Seconded** by Reed Harris.  
**Discussion:** None.  
**Vote was taken:** All voted aye.  
**Motion passed.**

**g. Land Acquisition Reports (HCAC)**

There was nothing new to report.

**h. Status of Red Hills Parkway Expansion (HCAC)**

Larry reported that Renee is progressing with a land trade and that an appraisal is in progress.

**i. Status of Ivins Detention Dam (Exhibit 5-i-1)**

Larry invited comment from the Technical Committee because they have the most recent information. Ann McLuckie and Kristen Comella related the results of the field trip on August 21<sup>st</sup>, and discussed a possible property donation to compensate for the permanent disturbance. The permanent disturbance compensation is acceptable and the mitigation for the temporary disturbance is being discussed. There is a possible solution, but there are fencing issues to be resolved.

**j. Snow Canyon State Park Project Scoping (K. Comella)**

- 1. Johnson Canyon parking lot expansion**
- 2. Snow Canyon education facility**

**MOTION** by Chris Blake to continue the Snow Canyon State Park scoping.  
**Seconded** by Larry Crist.  
**Discussion**: None.  
**Vote was taken**: All voted aye.  
**Motion passed**.

**k. Discuss Technical Committee membership (HCAC) (Exhibit 5-k-1)**

Chris asked if anyone had heard from the U.S.G.S. about participating on the Technical Committee. Brad Young said that Bill had received an email from Todd Esque stating that he doesn't see any changes in their future work, and therefore he will have to bow out.

**MOTION** by Chris Blake to continue this item while HCP staff prepares an amendment to the HCP removing the U.S.G.S. as a member of the Technical Committee.  
**Seconded** by Larry Crist.  
**Discussion**: None.  
**Vote was taken**: All voted aye.  
**Motion passed**.

**l. HCP intern (Mader/Webster)**

Chris said that he was aware that HCP would like to hire an intern. Brad Young explained that Lauren Hunt is a senior at Central Michigan University concentrating on outdoor recreation and environmental education. HCP would like to have her as an intern for the last 15 weeks of her 30-week internship. She will be mentored by Tom Webster and the commissioners have approved a payment of \$3,000.00 to her.



**MOTION** by Chris Blake to Lauren Hunt as an intern for HCP as described.  
Seconded by Jeff Morby.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

**m. Administrator's Report (Bill Mader)**  
**1. Botanical garden partnership**

Bill talked about the recent meeting that he had with Kent Perkins (Leisure Services Director for City of St. George) and Barry Barnham (Water Services Director for the City of St. George) about an idea for a partnership for a botanical garden. Bill said that he believes that the idea has merit and should be taken to the next level.

**6. OTHER BUSINESS**

**a. Next meeting date**

September 23, 2008

**b. Desert Tortoise Recovery Plan**

Larry said that the draft recovery plan for the desert tortoise is available for review.

**c. Realty Specialist – BLM**

Jeff encouraged BLM to expedite the process to hire a Realty Specialist to work on the ELT properties issue. Jimmy explained that there are issues to overcome but interviews are scheduled. Reed agreed with Jeff and reiterated that the private property issue in the reserve truly deserves our best effort. He emphasized due diligence. Jimmy is hoping to have a hiring recommendation to Todd Christensen by September 15<sup>th</sup>. He's doing the best that he can.

There were no other presentations or items to discuss.

**MOTION** by Chris Blake to adjourn.  
Seconded by Larry Crist.  
Discussion: None.  
Vote was taken: All voted aye.  
Motion passed.

The meeting was adjourned at 3:45 P.M.

Minutes prepared by Brad Young.